

**ORIGINAL**

## UNITED STATES DISTRICT COURT

for the  
Northern District of TexasU.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**

OCT - 2 2020

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)Information associated with the Instagram profile with  
the username: rxmexico, a/k/a rxtrapbaby, that is  
stored at premises controlled by Instagram, LLC.

Case No. 4:20-mj-00663

FILED UNDER SEAL

**APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

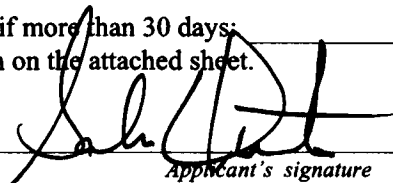
Code Section  
21 § 841

Drug Trafficking

Offense Description

The application is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days; \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


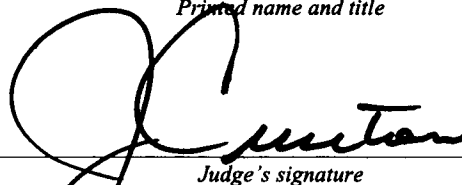
Applicant's signature

Special Agent S. Orrantia, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

10/2/2020City and state: Fort Worth, Texas


Judge's signature

Jeffrey L. Cureton, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Salvador Orrantia, a Special Agent with the Department of Homeland Security, Homeland Security Investigations, being first duly sworn, hereby depose and state as follows:

**Introduction and Agent Background**

1. I make this affidavit in support of an application for a search warrant for information associated with rxmexico, also known as rxtrapbaby (the "SUBJECT ACCOUNT") that is stored at premises owned, maintained, controlled, or operated by Instagram, LLC, ("Instagram") a social-networking company owned by Facebook, Inc. and headquartered in San Francisco, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), (b)(1)(A), and (c)(1)(A), to require Instagram to disclose to the government records and other information in its possession, including the contents of communications, pertaining to the subscriber or customer associated with the SUBJECT ACCOUNT.

2. I am an "investigative or law enforcement officer of the United States" within the meaning of 18 U.S.C. § 2510(7); that is, I am an officer of the United States who is authorized by law to conduct investigations and make arrests for offenses enumerated in 18 U.S.C. § 2516. I am a Special Agent of the United States Department of Homeland Security, Homeland Security Investigations (HSI) currently assigned to the Office of the Special Agent in Charge, Dallas, Texas, employed as such since 1998.

As an HSI Special Agent, your affiant has received training and has conducted and/or assisted investigations that have involved Drug Trafficking Organizations (DTO), violent gangs and/or gang members, national security threats, sex offenses and other criminal violations. Your affiant has also acquired information and knowledge about criminal activity from interaction with informants, defendants, and other experienced narcotics and/or criminal investigators. Your affiant has been associated with investigations involving the interception of wire communications and is familiar with the ways in which criminal activity may be conducted with the use of cellular telephones and code words to conduct their transactions. Among other duties, your affiant is currently involved in an investigation of an organization, which is distributing large amounts of narcotics, illegal drugs and illegally selling firearms and weapons in the Northern Districts of Texas.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. Sources of supply, distributors, and consumers of illegal drugs frequently use Facebook, Instagram, WhatsApp, Snapchat and other social networking applications as means of communication to facilitate drug transactions. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge in this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 § U.S.C. 922, 21 § U.S.C. 841 and 21 § U.S.C. 846 have been committed by user rxmexico.

There is also probable cause to search the SUBJECT ACCOUNT for information described in Attachment A for evidence of these crimes and items to be seized listed in Attachment B.

#### **Jurisdiction**

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the U.S. District Court, Northern District of Texas: is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

#### **Probable Cause**

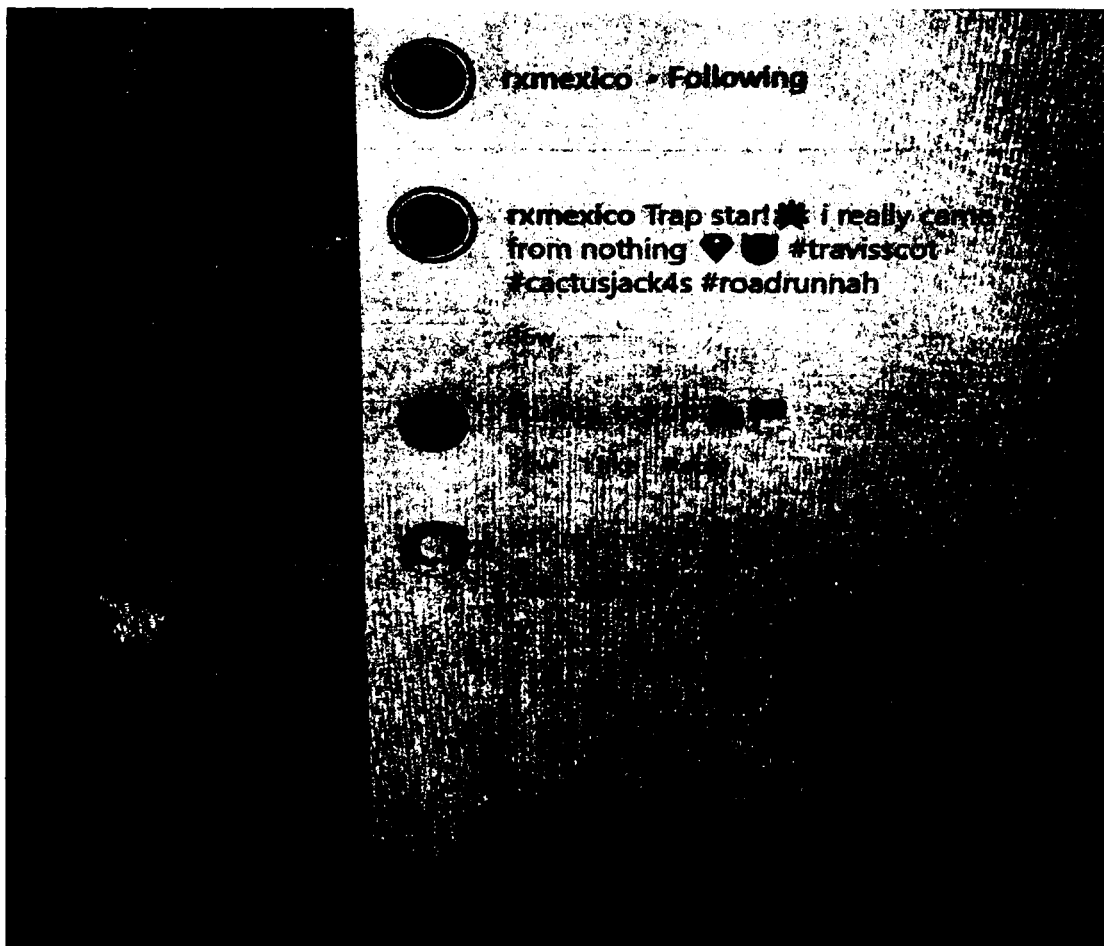
6. According to information gathered by the Fort Worth Police Department’s Gang Unit through active police work and “social media”, it has been established that a back-and-forth feud has been ongoing between rival gangs in Fort Worth, Texas and much of the feud has been well documented through social media outlets such as YouTube, Facebook and Instagram. The criminal street gang “Bone Crushing Gorillas (BCG)” was originally a “Blood” set which morphed into what they now call “Apegang”. The BCG have allowed a few members of other gang sets to merge with them including a few Eastside Latin Kings, Polywood Crips, and the Hispanic members of the “Eastside Mafia” which most members have been documented by the Fort Worth Police Department’s Gang Unit as the Hispanic faction of the “Bone Crushing Gorillas”. The Fort Worth Police Department’s Gang Unit has used social media as a source of information in identifying, locating and establishing criminal activity by known gang

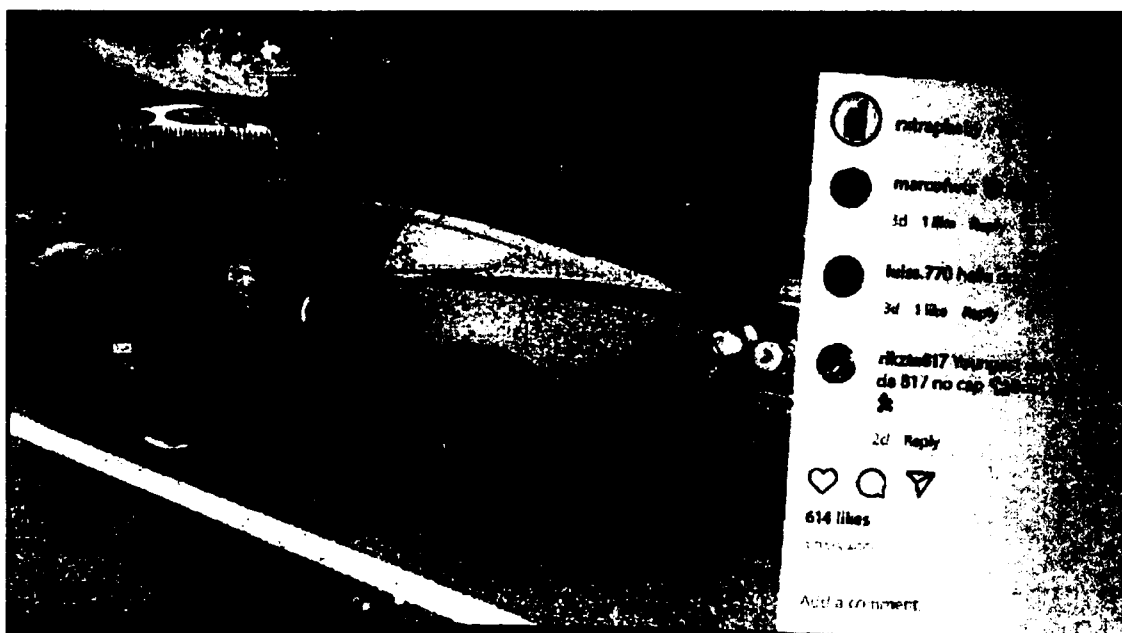
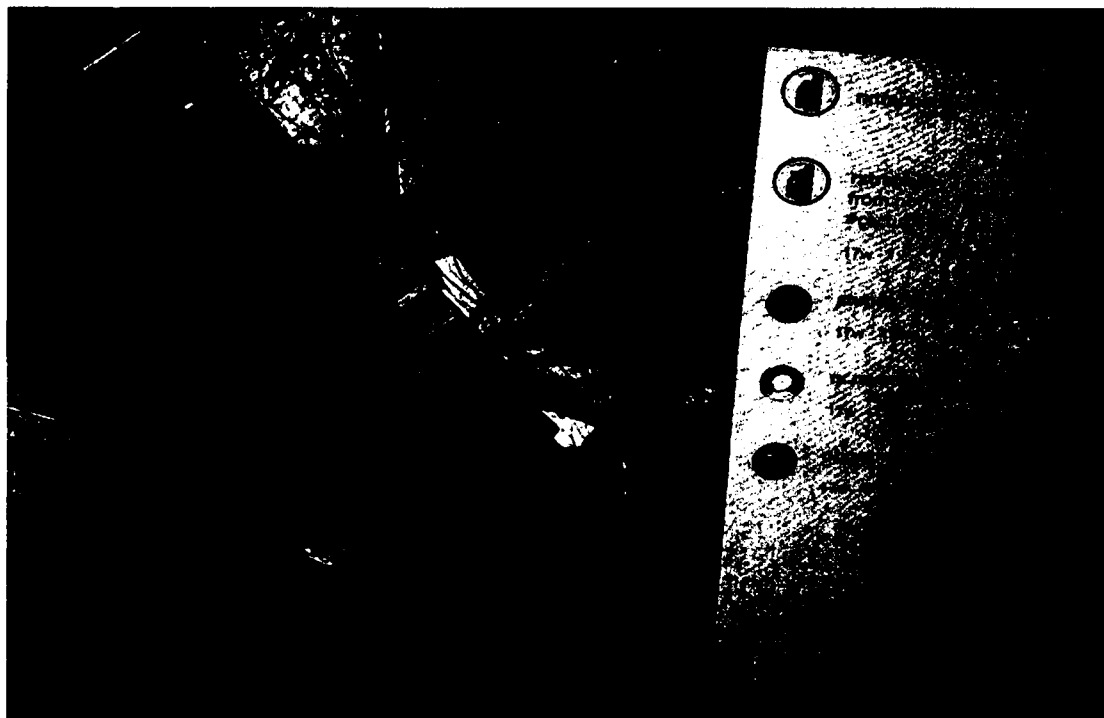
members in the city of Fort Worth. During the course of the investigation, begun in late 2019 and early 2020, the affiant learned that user for the SUBJECT ACCOUNT (rxmexico) has been active in social media with multiple documented gang members of the Bone Crushing Gorillas. User rxmexico has identified himself, on multiple social media platforms which include Instagram and Facebook, as being a supplier of drugs and weapons. Multiple pictures and/or videos have been observed by law enforcement officers to show "rxmexico" and other documented gang members with large amounts of U.S. currency, narcotics/illegal drugs, sportscars/high value vehicles and firearms which include high powered rifles with extended/drum magazines. Based on my personal observations, my training and experience, and information obtained from other law enforcement officers/agents and witnesses the use of the terms "rx" is a designation for drugs and "trap" is a term used by gang members for a location known to be used for trafficking in illegal drugs and weapons. On multiple occasions it has been noted that user rxmexico has used Instagram to post or receive messages regarding criminal activity, such as "Flood a n---a town with a truck load of drogass buddy" (drogass is the Spanish word for drugs). On May 1, 2020, officers from the Fort Worth Police Department were dispatched to a possible robbery where rxmexico was found to be in possession of a firearm and approximately \$8800 USD. Subsequent to an interview by police officers/detectives to determine the circumstances regarding the possible robbery, rxmexico changed his story. Rxmexico stated to Fort Worth Police detectives that he was selling drugs to the individuals claiming to be robbery victims. Rxmexico gave consent to the Fort Worth Police detectives to review the text messages on his cell phone. The

messages revealed that rxmexico had previously sold drugs to the individuals claiming to be robbery victims and that arrangements had been made with the individuals to sell them more drugs. Rxmexico indicated that he was selling them a "box" which according to rxmexico is street slang for one and half (1½) pounds of marijuana. The robbery victims admitted to Fort Worth Police detectives that their intent was to buy one and half (1½) pounds of marijuana from rxmexico. On May 25, 2020, HSI Gang Unit Special Agents deployed with the Fort Worth Police Department Gang Unit in continued attempts to locate gang members believed to be involved in the Mother's Day (May 10, 2020) shootings at the Village Creek Park in Fort Worth. Officers of the Fort Worth Police Department Gang Unit conducted a traffic stop on a white Dodge Charger which was occupied by three (3) documented gang members. Two (2) of the three gang members in the vehicle were arrested on weapons violations and outstanding State criminal warrants. Subsequent to an interview, one of the gang members stated that user rxmexico is actively involved with documented gang members of the Bone Crushing Gorillas. Since December 19, 2019, Fort Worth Police Department Gang Unit officers have conducted surveillance at location(s) known as "traps" and observed members of the Bone Crushing Members use Instagram as a means of communication and media to other gang members. On one occasion, Fort Worth Police officers responded to a call where a victim was shot at multiple times. The victim reported that the shooting was in retaliation by known gang members for posting a fight "online" on social media. The Fort Worth Police Department's Gang Unit discovered that Instagram communication(s) included coordination by gang members of that shooting.

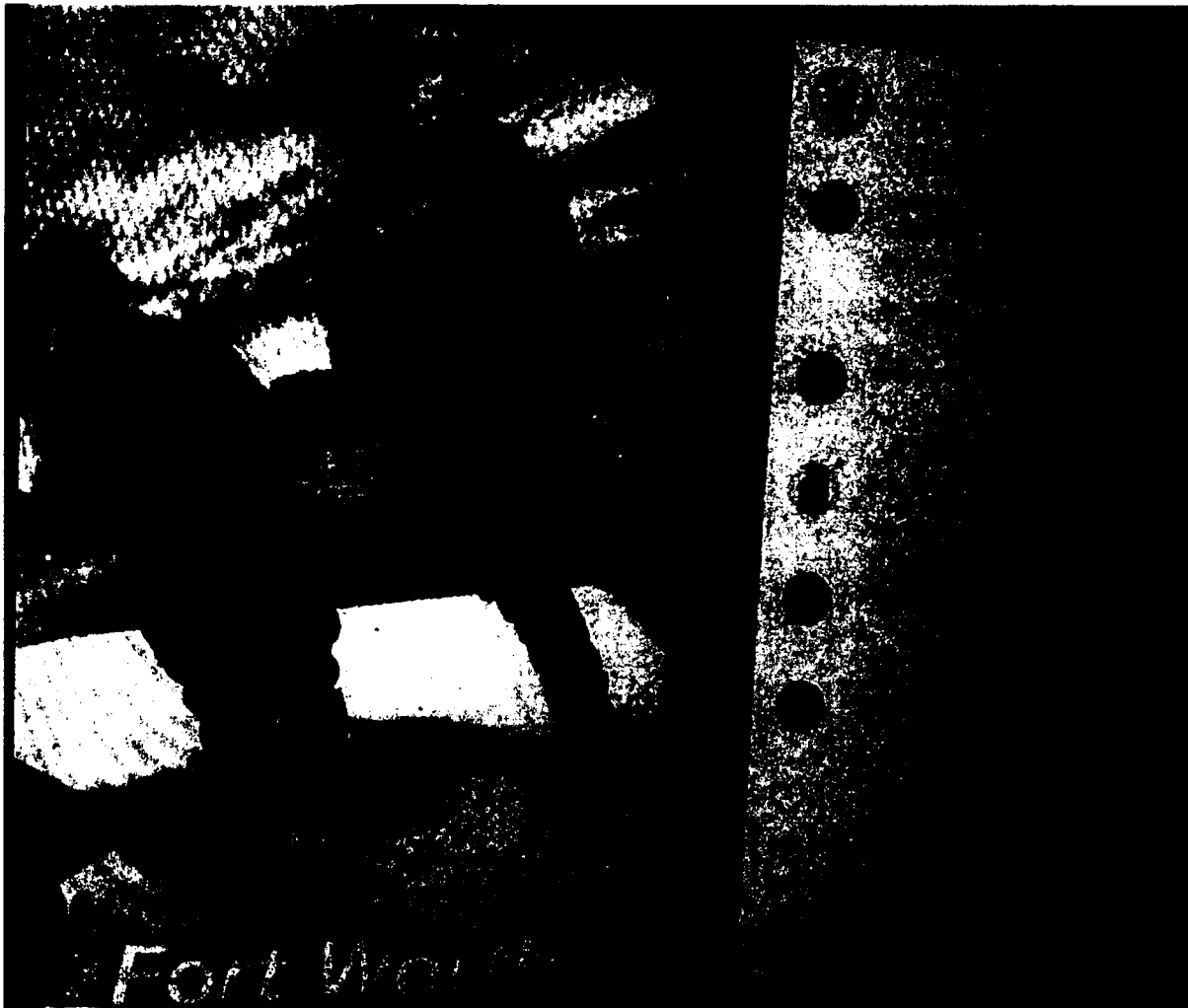
On June 5, 2020, an official preservation request was submitted by the Department of Homeland Security, Homeland Security Investigations. A response was received from no-reply@records.facebook.com indicating that reasonable steps to preserve the account(s) have been taken. Facebook indicated that our Facebook case number is 4919318.

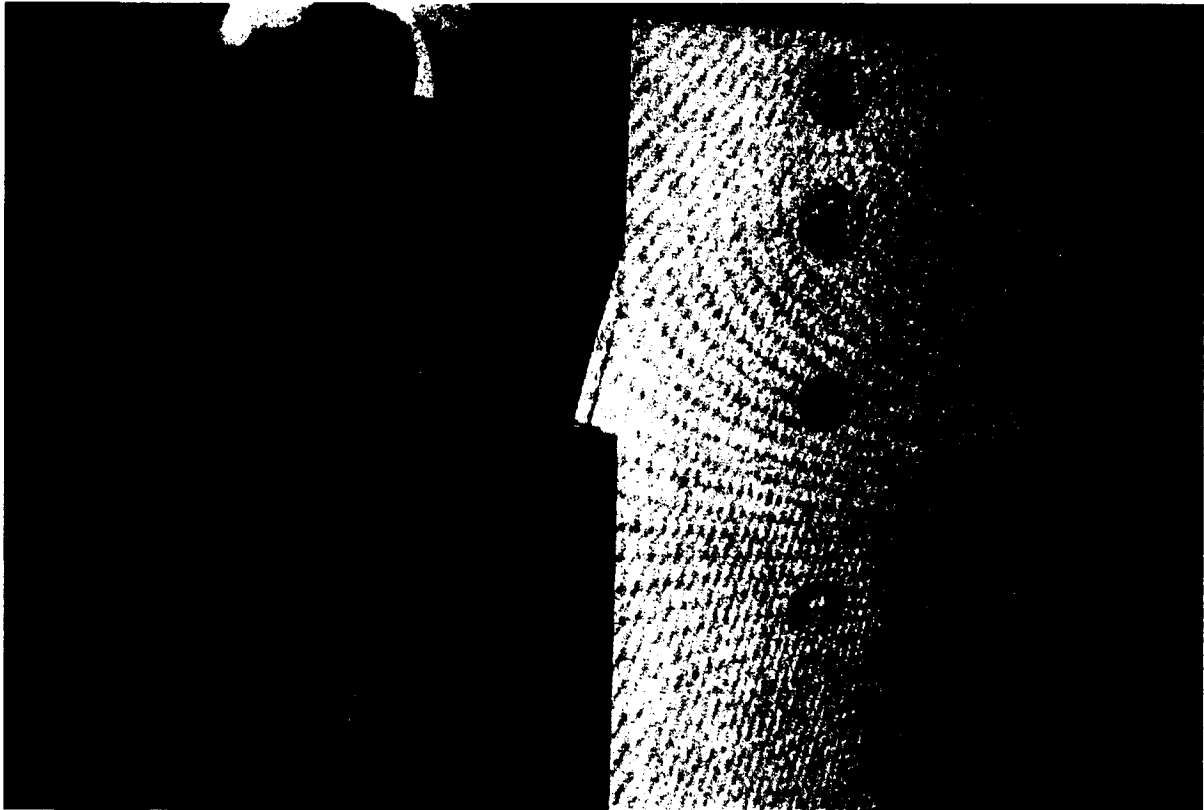
Screenshot pics for Instagram account: rxmexico, a/k/a rxtrapbaby:













7. From my review of publicly available information provided by Instagram about its service, including Instagram's "Privacy Policy," I am aware of the following about Instagram and about the information collected and retained by Instagram.

8. Instagram owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.instagram.com>. Instagram allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and other information. Users can access Instagram through the Instagram website or by using a special electronic application ("app") created by the company that allows users to access the service through a mobile device.

9. Instagram permits users to post photos to their profiles on Instagram and otherwise share photos with others on Instagram, as well as certain other social-media services, including Flickr, Facebook, and Twitter. When posting or sharing a photo on Instagram, a user can add to the photo: a caption; various "tags" that can be used to search for the photo (e.g., a user made add the tag #vw so that people interested in Volkswagen vehicles can search for and find the photo); location information; and other information. A user can also apply a variety of "filters" or other visual effects that modify the look of the posted photos. In addition, Instagram allows users to make comments on posted photos, including photos that the user posts or photos posted by other users of Instagram. Users can also "like" photos.

10. Upon creating an Instagram account, an Instagram user must create a unique Instagram username and an account password. This information is collected and maintained by Instagram.

11. Instagram asks users to provide basic identity and contact information upon registration and also allows users to provide additional identity information for their user profile. This information may include the user's full name, e-mail addresses, and phone numbers, as well as potentially other personal information provided directly by the user to Instagram. Once an account is created, users may also adjust various privacy and account settings for the account on Instagram. Instagram collects and maintains this information.

12. Instagram allows users to have "friends," which are other individuals with whom the user can share information without making the information public. Friends on Instagram may come from either contact lists maintained by the user, other third-party social media websites and information, or searches conducted by the user on Instagram profiles. Instagram collects and maintains this information.

13. Instagram also allows users to "follow" another user, which means that they receive updates about posts made by the other user. Users may also "unfollow" users, that is, stop following them or block the, which prevents the blocked user from following that user.

14. Instagram allow users to post and share various types of user content, including photos, videos, captions, comments, and other materials. Instagram collects and maintains user content that users post to Instagram or share through Instagram.

15. Instagram users may send photos and videos to select individuals or groups via Instagram Direct. Information sent via Instagram Direct does not appear in a user's feed, search history, or profile.

16. Users on Instagram may also search Instagram for other users or particular types of photos or other content.

17. For each user, Instagram also collects and retains information, called “log file” information, every time a user requests access to Instagram, whether through a web page or through an app. Among the log file information that Instagram’s servers automatically record is the particular web requests, any Internet Protocol (“IP”) address associated with the request, type of browser used, any referring/exit web pages and associated URLs, pages viewed, dates and times of access, and other information.

18. Instagram also collects and maintains “cookies,” which are small text files containing a string of numbers that are placed on a user’s computer or mobile device and that allows Instagram to collect information about how a user uses Instagram. For example, Instagram uses cookies to help users navigate between pages efficiently, to remember preferences, and to ensure advertisements are relevant to a user’s interests.

19. Instagram also collects information on the particular devices used to access Instagram. In particular, Instagram may record “device identifiers,” which includes data files and other information that may identify the particular electronic device that was used to access Instagram.

20. Instagram also collects other data associated with user content. For example, Instagram collects any “hashtags” associated with user content (i.e., keywords used), “geotags” that mark the location of a photo and which may include latitude and longitude information, comments on photos, and other information.

21. Instagram also may communicate with the user, by email or otherwise.

Instagram collects and maintains copies of communications between Instagram and the user.

22. On June 5, 2020, Department of Homeland Security, Homeland Security Investigations served Instagram with a preservation request pursuant to 18 U.S.C. § 2703(f), requiring Instagram to preserve all information associated with the SUBJECT ACCOUNT (rxmexico).

23. As explained herein, information stored in connection with an Instagram account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, an Instagram user’s account activity, IP log, stored electronic communications, and other data retained by Instagram, can indicate who has used or controlled the Instagram account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, direct messaging logs, shared photos and videos, and captions (and the data associated with the foregoing, such as geo-location, date and time) may be evidence of who used or controlled the Instagram account at a relevant time. Further, Instagram account activity can show how and when the account was accessed or used. For example, as described herein, Instagram logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators

can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Instagram access, use, and events relating to the crime under investigation. Additionally, Instagram builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Instagram “friends” to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Instagram account owner. Last, Instagram account activity may provide relevant insight into the Instagram account owner’s state of mind as it relates to the offense under investigation. For example, information on the Instagram account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

24. Based on the information above, the computers of Instagram are likely to contain all the material described above with respect to the SUBJECT ACCOUNT (rxmexico), including stored electronic communications and information concerning subscribers and their use of Instagram, such as account access information, which would include information such as the IP addresses and devices used to access the account, as well as other account information that might be used to identify the actual user or users of the account at particular times.



**Information To Be Searched And Things To Be Seized**

25. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular Title 18, United States Code, Sections 2703(a), (b)(1)(A), and (c)(1)(A), by using the warrant to require Instagram to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

**Conclusion**

26. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that evidence, fruits, and instrumentalities of violations, or attempted violations, of 18 USC 922, 21 USC 841 and 21 USC 846 may be located in the SUBJECT ACCOUNT described in Attachment A.

27. Based on the forgoing, I request that the Court issue the proposed search warrant.

28. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Instagram. Because the warrant will be served on Instagram, who will then compile the requested records at a time convenient to it, there exists reasonable cause to permit the execution of the requested warrant at any time in the day or night.

**Request For Sealing**

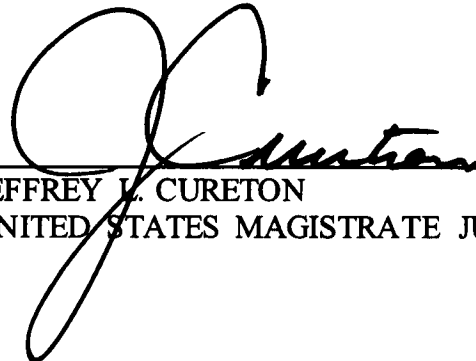
29. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,



Salvador Orrantia  
Special Agent  
U.S. Department of Homeland Security  
Homeland Security Investigations

Subscribed and sworn to before me on this 2<sup>nd</sup> day of September, 2020, at 11:02 a.m./p.m.,  
in Fort Worth, Texas.



JEFFREY L. CURETON  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**Property to Be Searched**

This warrant applies to information associated with the Instagram profile with  
username: rxmexico a/k/a/ rxtrapbaby  
that is stored at premises owned, maintained, controlled, or operated by Instagram, LLC,  
a company that is owned by Facebook, Inc. and headquartered in Menlo Park, California.

**ATTACHMENT B**

**Particular Things to be Seized**

**I. Information to be disclosed by Instagram, LLC**

To the extent that the information described in Attachment A is within the possession, custody, or control of Instagram, LLC, including any messages, records, files, logs, or information that have been deleted but are still available to Instagram, LLC, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Instagram, LLC is required to disclose the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol ("IP") address at the time of sign-up;
- d. All activity logs including IP logs and other documents showing the IP address, date, and time of each login to the account, as well as any other log file information;
- e. All information regarding the particular device or devices used to login to or access the account, including all device identifier information or cookie information, including all information about the particular device or devices used to access the account and the date and time of those accesses;
- f. All data and information associated with the profile page, including photographs, "bios," and profile backgrounds and themes;
- g. All communications or other messages sent or received by the account **from June 1, 2019 to Present;**
- h. All user content created, uploaded, or shared by the account, including any comments made by the account on photographs or other content **from June 1, 2019 to Present;**

- i. All photographs and images in the user gallery for the account **from June 1, 2019 to Present;**
- j. All location data associated with the account, including geotags **from June 1, 2019 to Present;**
- k. All data and information that has been deleted by the user **from June 1, 2019 to Present;**
- l. A list of all of the people that the user follows on Instagram and all people who are following the user (*i.e.*, the user's "following" list and "followers" list), as well as any friends of the user;
- m. A list of all users that the account has "unfollowed" or blocked;
- n. All privacy and account settings;
- o. All records of Instagram searches performed by the account, including all past searches saved by the account **from June 1, 2019 to Present;**
- p. All information about connections between the account and third-party websites and applications; and,
- q. All records pertaining to communications between Instagram, LLC and any person regarding the user or the user's Instagram account, including contacts with support services, and all records of actions taken, including suspensions of the account.

Instagram is hereby ordered to disclose the above information to the government within seven (7) days of issuance of this warrant.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 USC 922, 21 USC 841 and 21 USC 846 involving user rxmexico since June 1, 2019, including, for each username identified on Attachment A, information pertaining to the following matters:

- (a) Distribution of illegal drugs, firearms and evidence of any violation of 21 U.S.C. Section 841 or 21 U.S.C. Section 846.

- (b) Evidence indicating how and when the Instagram account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Instagram account owner;
- (c) Evidence indicating the Instagram account owner's state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) who created or used the user ID (rxmexico), including records that help reveal the whereabouts of such person(s).
- (e) The identity of the person(s) who communicated with the user ID (rxmexico) any information pertaining to the distribution of illegal drugs and firearms and evidence of any violation of 18 USC Section 922, 21 USC Section 841 and 21 USC Section 846, including records that help reveal their whereabouts.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC  
RECORDS PURSUANT TO FEDERAL RULES OF  
EVIDENCE 902(11) AND 902(13)**

I, \_\_\_\_\_, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by Instagram, LLC, and my title is \_\_\_\_\_. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of Instagram, LLC. The attached records consist of \_\_\_\_\_ **[GENERALLY DESCRIBE RECORDS (pages/CDs/megabytes)]**. I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of Instagram, LLC, and they were made by Instagram, LLC as a regular practice; and

b. such records were generated by Instagram, LLC's electronic process or system that produces an accurate result, to wit:

1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of Instagram, LLC in a manner to ensure that they are true duplicates of the original records; and

2. the process or system is regularly verified by Instagram, LLC, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

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Date

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Signature